



Alliance for Immigrants Rights & Reform Michigan

For

Immediate Release: June 21, 2011

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Labor, Community Leaders Condemn E-Verify Bills Ahead of Committee Hearing

Bills Would Kill Jobs, Mandate Ineffective Federal Program

Lansing – During an event outside the Capitol Tuesday, labor and community leaders condemned two bills that would kill Michigan jobs and increase regulation on businesses, HB 4024 and HB 4026. The bills would require state contractors and temporary staffing companies to use the federal E-Verify system to check the work eligibility of new hires.

“These bills mandate businesses to use a program that doesn’t even work. E-Verify has a sorry history of throwing US Citizens and Green Card holders out of work,” said attorney Bill Swor, board member of the Arab Community Center for Economic and Social Services, “While workers struggle to correct their records, their families and our economy suffer. Instead, Michigan should be working to look more attractive to immigrants, rather than creating a hostile reputation with these pointless useless proposals.”

Recent Government Accountability Office and Congressional Budget Office reports paint a picture of a troubled program that:

- Falsely denies authorized immigrant workers and naturalized US citizens the ability to work between 30% and 50% of the time.
- Fails to flag unauthorized workers 52% of the time
- Would cause up to 1.8 million US workers to potentially lose their jobs due to database errors, if implemented nationally.

Other studies show that employers fail to inform workers that they have been denied work because of E-Verify between 42% and 100%, of the time, eliminating their ability to fix their records and continue working.

“These bills will cost Michigan workers jobs, plain and simple. We can’t afford to throw hard-working people out of their jobs so some politician in Lansing can score political points,” said Chris Michalakakis of the United Food and Commercial Workers of Michigan, “We need comprehensive immigration reform to fix the system, not gimmicks and games.”

References available via the National Immigration Law Center testimony to the US Congress on E-Verify: <http://bit.ly/everifynilc>

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- A naturalized U.S. citizen was hired by an Oregon telecommunications company but received a TNC because SSA records did not accurately reflect his citizenship status. He successfully contested the TNC at an SSA office, but the SSA representative did not correct his record. E-Verify then automatically issued an FNC, at which point the employer is required to dismiss the nonconfirmed worker. The employer did not immediately terminate the worker, however, but ran another query in E-Verify and got another TNC. The employee went back to SSA, and this time a representative updated his record but still failed to post the change to E-Verify. Once again, the employee received an FNC. Finally, he called the Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC), which called the SSA field office to explain proper E-Verify procedures so that the employee could keep his job.⁵
- A U.S. citizen residing in Florida was terminated by a national department store chain as a result of an erroneous E-Verify finding. The worker recently remarried and changed her name. After she received the TNC notice, she attempted to resolve the matter directly with the local SSA office and was informed by SSA that the matter was resolved. When she returned to work, she was informed that the U.S. Dept. of Homeland Security (DHS) had directed the company to terminate her employment and was told, “[Y]ou are suspected as a terrorist.”⁶
- Francisco Romero, a U.S. citizen from Arizona, has been fired twice from jobs as a construction worker after E-Verify failed to confirm his employment eligibility. He has been a U.S. citizen since 1996, but in 2008 he spent months shuttling between SSA and human resource offices trying to obtain confirmation that he is eligible to work. Romero was only able to return to work after a community advocate took on his case and located the error that was keeping him from being able to secure employment.⁷
- A 16-year-old U.S. citizen received a TNC because his mother’s maiden name was listed in his SSA records but he used his father’s last name on his application. Instead of letting him fill in the application with the correct name, the employer told his mother that his name would have to be legally changed.⁸
- In December 2008, a U.S. citizen was hired by a sporting goods store in Mississippi. E-Verify issued a TNC, but the store manager unlawfully told the worker not to contest the TNC. The corporate office then fired her due to her failure to contest the TNC.⁹
- Ken Nagel, a restaurant owner in Phoenix, Arizona, expressed scorn regarding E-Verify after he hired one of his daughters, a native-born U.S. citizen, and, upon feeding her information into the system, received a nonconfirmation of her eligibility to be employed in the U.S.¹⁰
- A U.S. citizen applied for a job at an Oklahoma City nursing home and was offered the position. The job offer was rescinded, however, and the nursing home notified her that it had decided to hire someone else. Later, it sent the worker a notice that she had received a TNC and that, as a result, someone else had been hired.¹¹
- A U.S. citizen used the services of an employment services company in San Francisco, California, to look for a job. After applying online, she was given an appointment and told that there were a number of employers that would be interested in her based on her extensive work history. The next day, the employment agency told her that she could not be offered a job because the agency could not verify her U.S. citizenship. The employment services company was enrolled in E-Verify and received a TNC about the worker because the system could not make a determination about her work authorization. The employment agency violated E-Verify rules by refusing to give her a copy of the notice, though she requested one in order to seek legal advice. The agency demanded that she sign the notice right away so it

¹ Facts gathered by NILC staff during the course of providing technical assistance to this Floridian, beginning in mid-December, 2010.

² Account related at a Jan. 24, 2009, town hall meeting in Ashtabula, OH, sponsored by Building Unity in the Community and billed as “Why We Need Comprehensive Immigration Reform.”

³ Office of Special Counsel for Immigration-Related Unfair Employment Practices, Civil Rights Division, U.S. Department of Justice (OSC), *E-Verify Hotline Interventions*, Feb. 5, 2009.

⁴ Veronica Sanchez, “U.S. Citizen Claims He’s Victim of Employer Sanctions,” *12 News*, Mar. 7, 2008, <http://img.azcentral.com/12news/news/articles/employersanctions03072008.html>.

⁵ OSC, *E-Verify Hotline Interventions*, May 8, 2009.

⁶ OSC, *E-Verify Hotline Interventions*, Sept. 2009, emphasis added.

⁷ Kerry Howley, “Get in Line! Will Americans Have to Prove Their Right to Work Via an Error-plagued Database?” *Reason*, Oct. 1, 2008, p. 38.

⁸ OSC, *E-Verify Hotline Interventions*, Jan. 5, 2009.

⁹ OSC, *E-Verify Hotline Interventions*, Jan. 9, 2008.

¹⁰ Ronald J. Hansen, “Economy Serves Up Unhappy Meal: Worst Lull in 2 Decades is Hurting Valley Restaurateurs,” *Arizona Republic*, Mar. 3, 2008, www.azcentral.com/business/articles/0303biz-econ-restaurants0303.html.

¹¹ OSC, *E-Verify Hotline Interventions*, Dec. 17, 2007.

¹² Technical assistance request call received by NILC in Dec. 2007.

¹³ OSC, *E-Verify Hotline Interventions*, Sept. 11, 2007.

¹⁴ OSC, *E-Verify Hotline Interventions*, July 14, 2008.

¹⁵ Case described to NILC staff by Bruce Nestor of De León & Nestor, Minneapolis, Minnesota, in April 2008.

¹⁶ OSC, *E-Verify Hotline Interventions*, May 8, 2009.

¹⁷ OSC, *E-Verify Hotline Interventions*, Dec. 4, 2008.

¹⁸ Information provided to NILC by the Southern Poverty Law Center in Jan. 2008.